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A TRIBUTE TO DAVID KOCHERY

JACOB D. HYMAN*

David's untimely death in March of 1980 found him deeply engaged at the Law School in many activities in and related to it, as he had been throughout the 27 years since he came to the University of Buffalo Law School as assistant professor in 1953. Following four years in service with the United States Army, David took his A.B. and J.D. degrees at Indiana University, the latter in 1949. He then went to the University of Kansas City as an instructor in law and became an assistant professor in 1951. The year 1952-53 he spent as a Sterling Fellow at Yale Law School, working for the most part with Professor James Moore, the nationally known procedure scholar. David started teaching procedure upon his arrival at Buffalo and continued to do so regularly, including the semester in which he died. From the time of his arrival in Buffalo, however, he harbored a deep interest in labor law, which he first had an opportunity to teach in 1956, the year in which he was promoted to associate professor. In 1962 he became full professor. Throughout the quarter of a century of his academic career he maintained and developed his interest in those two fields, teaching and writing as well as engaging in professional activity outside the law school.

From 1955 to 1958 he was associate reporter for the Subcommittee on Practice and Procedure of the New York Temporary Commission on the Courts. For almost 20 years he played an active and leading role in establishing and fostering the Crotonville Conference for New York Judges, described elsewhere in this issue by Professor David Siegel, who knew him well in that context. In 1964-65 he was the Executive Director of the Section of Judicial Administration of the American Bar Association.

Beginning in 1958, labor law became one of his regular teaching assignments and his activity and involvement in the labor field continued to grow. In 1967 he became a member of the National Academy of Arbitrators, having established his standing in that field by frequent participation in arbitration work. Somewhat later

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he was designated as the impartial arbitrator for the Construction Industry Employers Association and unions in the industry in the Buffalo area.

Throughout his years at the Law School, he was always willing to assist in University-wide activities, and brought to those undertakings a high measure of commitment and professional competence. Thus, in 1964 he became chairman of a committee to draft bylaws for the newly organized Faculty Senate of the State University of New York at Buffalo and completed that task to the great satisfaction of other members of the university community. From time to time he served effectively on the Faculty Senate and on its Executive Committee. In 1967 he was elected to the Council of the American Association of University Professors for District IX.

His scholarly writing for the most part was in the areas of procedure and labor law. In 1951 he published a survey of Missouri Administrative Agencies, (19 U. KAN. CITY L. REV. 233). In 1953 there appeared two articles, one on the enforcement of arbitration awards (39 CORNELL L. REV. 74), and one on the interpretation of statutory bonds in Missouri, (1953 WASH. U. L. Q. 182). Conflict of state and federal jurisdictions was the topic of an article published in the Buffalo Law Review in the spring of 1955 (4 BUFFALO L. REV. 268) and in Volume 9 he published an article with Professor George Strauss entitled *The Nonprofit Hospital and the Union* (9 BUFFALO L. REV. 255).

Others in this issue have commented on his gracious, friendly, and open manner. Most remarkable was the extent to which he remained friendly, open, and enthusiastic through the series of illnesses which beset him in his last five years. The first was a heart attack suffered at the Crotonville Conference; then came major surgery in 1976. On both occasions he displayed a courageous eagerness to return to his teaching, and the burden of his illness was never permitted to cloud his responsiveness to his colleagues and his students.

The University at Buffalo Law School was an unusual institution just before World War II. From 1936 to 1940 Ernest Brown, Mark Howe, Louis Jaffe, and David Riesman, with Western New Yorkers Philip Halpern, William Laidlaw and former Dean Charles C. Alden, under the leadership of Francis Shea, constituted the distinguished full-time faculty of six or seven in a small, essentially local Law School. During and after the War, one by one they

drifted away, most of them to teach at Harvard. Between 1950 and 1964, when the University of Buffalo was absorbed into the State University of New York, David was one of a small group of law teachers whose dedication and commitment to the ideals of the School and to legal education kept alive the spirit of the School and made possible its recent rapid transformation. David took pride and pleasure, and rightly so, in his devoted contribution to that effort.